

AUTHORIZING ACT—APPROVED JULY 19, 1940
APPROPRIATION ACT—APPROVED SEPTEMBER 9, 1940

CONTRACT

FOR THE

CONSTRUCTION OF SIX (6) DESTROYERS, Nos. DD618, DD619, DD620, DD621, DD622, AND DD623

This contract, entered into this 14th day of December 1940, by the United States of America, hereinafter called the Department, represented by the contracting officer executing this contract, and the Federal Shipbuilding and Dry Dock Company, a corporation organized and existing under the laws of the State of New Jersey, and doing business at Kearny in the State of New Jersey, hereinafter called the contractor, witnesseth that the parties hereto do mutually agree as follows:

ARTICLE 1. (a) The contractor, subject to the provisions hereinafter set forth, including the General Provisions, will construct at its plant at Kearny, New Jersey (hereinafter called the plant of the contractor), six (6) Destroyers, Nos. DD618, DD619, DD620, DD621, DD622, and DD623 each of about one thousand six hundred and twenty (1,620) tons standard displacement (hereinafter called the vessel/vessels), complete in all respects, both hull and machinery, including the installation of ordnance and ordnance outfit, and of other articles to be furnished by the Department, in conformity with the approved plans and specifications, including changes therein which shall be authorized as hereinafter provided. The said plans and specifications and aforesaid General Provisions are annexed hereto and shall be deemed and taken as forming a part of this contract with the like operation and effect as if the same were incorporated herein.

(b) As required by Article 4 (a) of the General Provisions, the contractor shall submit to the Supervisor of Shipbuilding at the plant of the contractor a schedule setting forth the dates upon which the contractor is to furnish detail armor and other ordnance plans. The dates specified in such schedule shall be such as to permit the manufacture and supply of the armor and other ordnance material to be furnished by the Department on or before the dates when such armor and other ordnance material will be required for installation in the vessel/vessels.

The contractor shall submit, within four (4) months from the date of this contract, to the Department a schedule setting forth the quantity of each of the items (1) to (6), inclusive, specified in the following paragraph, and the dates on which delivery thereof is required, in order that the contractor may complete the vessel/vessels within the period (respective periods) specified in Article 8 hereof.

Should delay in delivery of any of the following materials, namely —

- (1) All materials to be furnished by the Department;
- (2) Forged armor;
- (3) Heavy forgings consisting of ship's main propulsion shafting, stern posts, and rudder posts;
- (4) Main propulsion turbines;
- (5) Main propulsion reduction gears;
- (6) Special additional facilities to be acquired in accordance with the supplemental contract referred to in Article 2 hereof; and
- (7) Other materials as may be added from time to time by order of the Secretary of the Navy if in his discretion the difficulty of procurement of such other materials warrants their addition to this list;

actually delay the construction of the vessel/vessels beyond the completion dates specified in Article 8 hereof the Department shall, if a claim therefor be made as hereinafter provided and be approved by the Secretary of the Navy, handle such claim as a change in accordance with Article 6 of this contract.

The contractor shall file with the Department within thirty (30) days after the termination of each calendar quarter a report with respect to delays occurring during such calendar quarter in sufficient detail to permit the Department to take appropriate action to minimize the effect of such delays. Unless the contractor shall have included notice of a delay in such report or the next succeeding quarterly report, no claim based thereon shall be allowed. With respect to any claim based on delay in receipt of contractor-furnished materials or facilities, whether or not such materials or facilities are listed above, no claim shall be allowed unless the contractor shall establish to the satisfaction of the Secretary of the Navy that such materials or facilities were ordered in sufficient time to permit the orderly progress of construction of the vessel/vessels to meet the completion date specified herein. The contractor shall be deemed to have ordered materials as required in the preceding sentence if, after using its best efforts, it shall promptly have notified the Department of its inability to place such orders.

No part of any increase in cost shall be allowed which shall have been caused by the failure of the contractor to prepare and submit for approval detail plans to be submitted to the Department by the contractor hereunder in time to permit the orderly progress of construction of the vessel/vessels to meet the completion date specified herein. The Department shall take action to detail armor and ordnance material on plans within thirty (30) working days after their submission to the Department by the contractor.

Plans for armor and other ordnance material.

Delays.

Report on delays.